

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Erin P. Moriarty (SBN: 146751) Law Offices of Weneta M.A. Kosmala 3 MacArthur Place, Suite 760 Santa Ana, CA 92707 Tel: 714-540-3600 Fax: 714-509-1760 Email: emoriarty@kosmalalaw.com <input type="checkbox"/> Individual <i>appearing without an attorney</i> <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
In re: TIMOTHY BROR TOUVE, Debtor(s)	CASE NO.: 8:17-bk-10289-TA CHAPTER: 7 NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: <i>(title of motion¹)</i>: <u>Motion for Order Authorizing Trustee to (1)</u> <u>Retain BKAssets.com as Auctioneer; (2) Hold</u> <u>Auction Sale of Certain Assets of the Estate;</u>

PLEASE TAKE NOTE that the order titled Order on Motion for Order Authorizing Trustee to (1) Retain BKAssets.com as auctioneer; (2) Hold Auction Sale of Certain Assets of the Estate; and (3) Make/Authorize Certain Disbursements and sign Documents in Connection With Auction was lodged on (date) 09/11/2020 and is attached. This order relates to the motion which is docket number 94.

¹ Please abbreviate if title cannot fit into text field.

Exhibit “A”

Erin P. Moriarty (SBN 146751)
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Weneta M.A. Kosmala, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

In re	)	Case No.: 8:17-bk-10289-TA
)	
TIMOTHY BROR TOUVE,	)	Chapter 7
)	
	)	ORDER ON MOTION FOR ORDER
	)	AUTHORIZING TRUSTEE TO (1)
Debtor(s).	)	RETAIN BKASSETS.COM AS
	)	AUCTIONEER; (2) HOLD AUCTION
	)	SALE OF CERTAIN ASSETS OF THE
	)	ESTATE; AND (3) MAKE/AUTHORIZE
	)	CERTAIN DISBURSEMENTS AND SIGN
	)	DOCUMENTS IN CONNECTION WITH
	)	AUCTION
)	
	)	Date: September 1, 2020
	)	Time: 11:00 a.m.
	)	Courtroom: 5B

The “Motion for Order Authorizing Trustee to (1) Retain BKAssets.com as Auctioneer;
(2) Hold Auction Sale of Certain Assets of the Estate; and (3) Make/Authorize Certain
Disbursements and Sign Documents in Connection With Auction”, filed on behalf of Weneta
M.A. Kosmala (“Trustee”), Chapter 7 Trustee, as Docket # 94 (“Motion”), came on for hearing
on regular notice on the above-noted date and time, the Honorable Theodor C. Albert presiding.
Appearances were made as noted on the record.

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1 The Court having read and considered the Motion and noted the lack of opposition, and
2 for good cause shown:

3 IT IS ORDERED that:

4 1. The Motion is granted.

5 2. Trustee is authorized to retain BKAssets.com ("Auctioneer") to conduct online
6 auctions of certain real and personal property (collectively "Assets") described as follows:

7 a. Real property in Kern County, California described as follows:

8 i. APN 461-140-23-00-9 (approx. 10 acres).

9 ii. APN 224-222-54-00-7 (approx. 2.5 acres).

10 iii. APN 224-212-45-00-8 (approx. 2.5 acres).

11 iv. APN 181-250-28-00-5 (approx.. 2.07 acres).

12 v. APN 224-364-01-00-8 (approx. 7.5 acres).

13 b. A Wind Energy Site Lease and Renewable Energy Development
14 Agreement ("Lease") entered into by and between the Debtor (through his revocable trust) as
15 lessor and Alta Windpower Development, LLC, a Delaware limited liability company) as lessee,
16 which is a lease covering APN 224-364-01-00-8 for use of the parcel in connection with the
17 lessee's wind energy generation project; the Lease is to be sold/assigned along with the parcel.

18 3. Auctioneer is authorized to conduct online auctions of the Assets, as generally
19 described in the Internet Auction Agreement attached as Exhibit "A" to the Motion.

20 4. Trustee is authorized to establish reserves and minimums for each of the Assets;
21 to bundle or separate the Assets for multiple auctions on multiple days; to establish the timing
22 and order of the auctions; and to accept or reject the highest bid; all according to her business
23 judgment.

24 5. The successful bidders as to each of the Assets are deemed to be "good faith
25 purchasers" within the meaning of 11 U.S.C. § 363(m).

26 6. Trustee is authorized to disburse, or authorize direct disbursement, of
27 compensation to the Auctioneer of no more than 10% of the gross sales price of the Assets,
28 expense reimbursement to the Auctioneer of no more than \$500, and up to \$1,500 total in

1 miscellaneous unanticipated expenses that may be necessary in Trustee's discretion to
2 consummate the sales of the Assets.

3 7. Trustee is authorized to sign any and all documents necessary, and to take any and
4 all ministerial actions, which she may deem necessary and appropriate to consummate the sales
5 of the Assets.

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

3 MacArthur Place, Suite 760
Santa Ana, CA 92707

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 09/11/2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On (date) 09/11/2020, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Theodor C. Albert
United States Bankruptcy Court
411 W. Fourth Street, Suite 5085
Santa Ana, CA 92701-4593

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

09/11/2020
Date

Janine Fountain
Printed Name

/s/ Janine Fountain
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):

- Stephen N Doan steve@doanlegalcenter.com, steve@doanre.com
- Weneta M Kosmala (TR) ecf.alert+Kosmala@titlexi.com,
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2. SERVED BY UNITED STATES MAIL:

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